REMARKS

Claims 1-10, 13-23, and 26-28 are pending. Claims 1, 8, 14, 21, and 28 have been amended, and Claims 7 and 20 have been canceled. Claims 1-6, 8-10, 13-19, 21-23, and 26-28 remain.

Applicant's representative thanks the Examiner for the telephone interview on December 21, 2010, during which the claims and the cited references were discussed.

Rejections under 35 U.S.C. § 103(a) over Schmidt, Brewer, and Chase

Claims 1-10, 13-23, and 26-28 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,546,554, to Schmidt et al. ("Schmidt"), in view of U.S. Patent No. 6, 219,787, to Brewer and U.S. Patent No. 7,240,107 to Chase-Salerno et al. ("Chase"). Applicant traverses.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness, which includes a clear articulation of the reasons or rationale why the claimed invention would have been obvious. MPEP 2142. Exemplary rationales to support a conclusion of obviousness are listed in MPEP 2143, although the list is not all-inclusive.

The rationale based on combining prior art elements according to known methods appears to have been applied. Therefore, to establish a *prima facie* case of obviousness under this rationale, the examiner has the burden of providing the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately; (3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and (4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration. MPEP 2143(A). If any of the findings cannot be made, this rational cannot be used to support a conclusion that the claim would have been obvious. *Id.*

Schmidt and Chase were discussed in detail in the Response to Office Action of December 24, 2009, which is herein incorporated by reference. Brewer discloses securely downloading native code, which is stored with attributes and source code (Brewer, Abstract; and Col. 19, lines 42-43 and 61-64). A JAVA Bean is resident in a network server and acts as a wrapper for the native code (Brewer, Col. 20, lines 37-40). A host processor loads an applet containing the Bean and queries the Bean for a size of the native code, code type, and millions of instructions per second required (Brewer, Col. 20, lines 34-43). A determination regarding whether the intended processor has sufficient resources to run the code is made (Brewer, Col. 20, lines 43-47). If there are sufficient resources on the processor, the code can be installed (*Id.*).

Claim 1 has been amended to recite a checking mechanism to download and execute the installation predicate object, wherein the installation predicate object comprises code to verify prerequisites against a runtime environment through the service host system by testing hardware, peripherals, and software components of the requesting system and to generate a list of missing components when at least one required component for installation of the network service software is missing. Independent Claims 14 and 28 have been similarly amended. Support for the claim amendments can be located in the specification on page 8, lines 14-31. Thus, no new matter has been entered.

The Schmidt-Brewer-Chase combination fails to teach such limitations. Instead, Brewer teaches a host for loading an applet containing a Bean from a network server (Col. 20, lines 37-40). The Bean acts as a wrapper for native code and includes attributes, such as code type, code size, and millions of instructions per second (MIPS) required (Col. 19, lines 42-43). Once loaded, the applet queries the Bean for the attributes information to determine whether the intended processor has sufficient resources to run the native code (Col. 20, lines 40-47). Thus, in Brewer, the applet is querying the Bean for determining attributes related to the native code and whether sufficient processor resources exist, rather than using the code itself to test the resources. Therefore, Brewer fails to teach installation code to test hardware, peripherals, and software components of a requesting system and to generate a list of missing components.

Further, Brewer teaches determining whether there are sufficient resources on a *hardware processor* to run code, rather than testing, by an installation predicate object, the hardware, peripheral, and software components of a requesting system upon which the installation predicate object is executed. Schmidt and Chase fail to remedy the shortcomings of Brewer.

Accordingly, a *prima facie* case of obviousness has not been shown with respect to independent Claims 1, 14, and 28. Claims 2-6, 8-10, and 13 are dependent on Claim 1 and are patentable for the above-state reasons, and as further distinguished by the limitations therein. Claims 15-19, 21-23, 26, and 27 are dependent on Claim 14 and are patentable for the above-state reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is requested.

Claims 1-6, 8-10, 13-19, 21-23, and 26-28 are believed to be in condition for allowance. Entry of the foregoing amendments is requested and a Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

Respectfully submitted,

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